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Cherokees

Original and  
Printed Copies

Concluded Dec<sup>r</sup> 29<sup>th</sup> 1835.  
Ratified May 23<sup>rd</sup> 1836.

Treaty with the Cherokees, signed at New Echota,  
Georgia, December 29, 1835, and Supplementary  
Article

Acceptance of treaty on behalf of Western  
Cherokees, December 21, 1835


Schedule referred to in Article 4.

Supplementary Articles, March 1, 1836

Presidential Ratification, May 23, 1836

Resolution of Senate, with amendments, May 18, 1836.

Printed copy of the Treaty, etc.





INDIAN TREATY 199





Andrew Jackson,

President of the United States of America,

To all and singular to whom these presents shall  
come, — Greeting:

Whereas a Treaty was concluded at  
New Echota, in the State of Georgia, on the 29<sup>th</sup> day  
of December 1835, by Gen<sup>l</sup> William Canoll, and John H.  
Schermerhorn, Commissioners on the part of the United States;  
and the Chiefs, Head men, and people, of the Cherokee tribe  
of Indians. And whereas certain articles supplementa-  
ry to the said Treaty were agreed upon between John H.  
Schermerhorn, Commissioner on the part of the United States,  
and a Delegation of the Cherokee people, on the first day  
of March one thousand eight hundred and thirty six.  
Which treaty and supplementary articles are in the words  
following, to wit:



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Articles of a Treaty Concluded at New Echota  
in the State of Georgia on the 29<sup>th</sup> day of Decr. 1835 by Genl  
William Carroll & John A Schermerhorn Commissioners on  
the part of the United States and the Chiefs head men & people  
of the Cherokee tribe of Indians

Whereas the Cherokees are anxious to make  
some arrangements with the Government of the United States  
whereby the difficulties they have experienced by a residence  
within the settled parts of the United States under the Jurisdic-  
tion and laws of the State Governments may be terminated  
and adjusted; And with a view to reuniting their people  
in one body and securing a permanent home for themselves  
and their posterity in the Country selected by their fore-  
fathers without the territorial limits of the State Sovereign-  
ties; And where they can establish and enjoy a Govern-  
ment of their choice and perpetuate such a state of so-  
ciety as may be most consonant with their views habits  
and condition; and as may tend to their individual  
comfort and their advancement in civilization.

And Whereas a Delegation of the Cherokee Nation  
composed of Messrs John Ross Richard Taylor Saml  
McKay Saml Hunter & William Rogers with full power  
and authority to conclude a Treaty with the United  
States did on the 28<sup>th</sup> day of February 1835 stipulate &  
agree with the Government of the United States to submit  
to the Senate to fix the amount which should be allowed  
the Cherokees for their claims and for a cession of their  
lands East of the Mississippi River And <sup>did</sup> agree to abide  
by the award of the Senate of the United States themselves  
and to recommend the same to their people for their  
people for their final determination.

And whereas on such submission the Senate advised  
"that a sum not exceeding five millions of Dollars be paid  
to the Cherokee Indians for all their lands & possessions  
East of the Mississippi River."

And Whereas this delegation after said award



of the Senate had been made, were called upon to submit propositions as to its disposition to be arranged in a Treaty which they refused to do, but insisted that the same "should be referred to their Nation and there in general Council to deliberate and determine on the subject in order to ensure harmony and good feeling among themselves."

And whereas a certain other delegation composed of John Ridge Elias Boudinot Archilla Smith S W Bell John West Wm A Davis & Ezekiel West who represented that portion of the Nation in favour of Emigration to the Cherokee Country west of the Mississippi entered into propositions for a Treaty with John H Schermierhorn Commissioner on the part of the United States which were to be submitted <sup>to the Nation for their</sup> final action and determination.

And Whereas the Cherokee people at their last October Council at Red Clay, fully authorized and empowered a delegation or Committee of Twenty persons of their Nation to enter into and conclude a Treaty with the United States Commissioner then present at that place or elsewhere and as the people had good reason to believe that a Treaty would then & there be made or at a subsequent Council at New Echota which the Commissioners it was well known and understood were authorized & instructed to convene for said purpose; And since the said Delegation have gone on to Washington City, with a view to close negotiations there, as stated by them notwithstanding they were officially informed by the United States Commissioner that they would not be received by the President of the United States; And that the Government would transact no business of this nature with them, and that if a Treaty was made it must be done here in the Nation, where the Delegation at Washington last winter urged that it should be done for the purpose of promoting peace & harmony among the people; And since these facts have also been corroborated to



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to us by a communication recently received by the  
Commissioners from the Government of the United States &  
read and explained to the people in open council and  
therefore believing said delegation can effect nothing  
and since our difficulties are daily increasing  
and our situation is rendered more & more precarious  
uncertain & insecure in consequence of the Legislation  
of the states; And seeing no effectual way of relief,  
but in accepting the liberal overtures of the United States

And whereas Genl William Carroll and John  
H Schermernhorn were appointed Commissioners on the  
part of the United States, with full power and authority  
to conclude a Treaty with the Cherokees East <sup>and</sup> were  
directed by the President to convene the people of the  
Nation in General Council at New Echota and to sub-  
mit said propositions to them with power and authority  
to vary the same so as to meet the views of the Cherokees  
in reference to its details

And Whereas the said Commissioners  
did appoint and notify a general council of  
the Nation to convene at New Echota on the 21<sup>st</sup>  
day of December 1835; and informed them that the Com-  
missioners would be prepared to make a Treaty with  
the Cherokee people who should assemble there and those  
who did not come they should conclude gave their  
assent & sanction to whatever should be transacted  
at this council And the people having met in  
Council according to said notice

Therefore the following Articles of a Treaty  
are agreed upon & concluded between William  
Carroll & John H Schermernhorn Commissioners  
on the part of the United States And the Chiefs  
Head Men & people of the Cherokee Nation in  
General Council Assembled this 29<sup>th</sup> day of Decr  
1835



Article 1<sup>st</sup> The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them East of the Mississippi River, including the lands named for in national fund, and hereby release all their claims upon the United States for spoiliations of every kind for and in consideration of the sum of Five Millions of Dollars to be expended paid and invested in the manner stipulated & agreed upon in the following articles But as a question has arisen between the Commissioners and the Cherokees whether the senate in their resolution by which they advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands & possessions East of the Mississippi River" have included and made any allowance or consideration for claims for spoiliations It is therefore agreed on the part of the United States that this question shall be again submitted to the senate for their consideration and decision And if no allowance was made for spoiliations that then an additional sum of Three Hundred thousand Dollars be allowed for the same

Article 2 Whereas by the Treaty of May 6<sup>th</sup> 1828 and the supplementary treaty thereto of Feb'y 14<sup>th</sup> 1833 with the Cherokees west of the Mississippi the United States guaranteed secured to be conveyed by patent, to the Cherokee Nation of Indians the following tract of Country "Beginning at a point on the old Western Territorial line of Arkansas Territory being Twenty five miles North from the point where the Territorial line crosses Arkansas River, thence running from said North point South on the said Territorial line where the said Territorial line crosses Verdigris River; thence down said Verdigris River to the Arkansas River; thence down said Arkansas to a point where a stone is placed opposite the East or lower bank of Grand River at its junction with the Arkansas; thence running South forty four



degrees west one mile; thence in a straight line to a point four miles northerly, from the mouth of the North fork of the Canadian; thence along the said four mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the Eastern Choctaw Boundary strikes said River And running thence with the Western line of Arkansas Territory as now defined, to the South West Corner of Missouri; thence along the Western Missouri line to the land assigned the Senecas; thence on the south line of the Senecas to Grand River; thence up said Grand River as far as the south line of the Osage Reservation, extended if necessary; thence up and between said south Osage line extended west if necessary and a line drawn due west from the point of beginning to a certain distance west, at which a line running North South from said Osage line to said due west line will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the Country west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extends: Provided however that if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of Red Men to get salt on said plain in common with the Cherokees; And letters patent shall be issued by the United States as soon as practicable for the land hereby guarantied."

And whereas it is apprehended by the Cherokees that in the above section there is not contained a sufficient quantity of land for the accommodation of the whole Nation on their removal west



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of the Mississippi the United States in consideration of the sum  
of Five Hundred thousand Dollars therefore <sup>hereby</sup> Covenant & agree  
to convey to the said Indians, and their descendants by patent,  
in fee simple the following additional tract of land situated  
between the west line of the State of Missouri and the Osage  
Reservation beginning at the South East corner of the same  
and runs North along the East line of the Osage lands  
fifty miles to the North East corner thereof; and thence East  
to the west line of the state of Missouri; thence with said line  
south fifty miles; thence west to the place of beginning; esti-  
mated to contain Eight hundred thousand acres of land;  
but it is expressly understood that if any of the lands  
assigned the Quapaws shall fall within the aforesaid  
bounds the same shall be reserved & excepted out of the  
lands above granted And a pro rata reduction shall  
be made in the price to be allowed to the United States  
for the same by the Cherokees

Article 3<sup>rd</sup> The United States also agree that the  
lands above ceded by the Treaty of Feb'y 14 1833 including  
the outlet and those ceded by this treaty shall all be  
included in one patent executed to the Cherokee  
Nation of Indians by the President of the United  
States according to the provisions of the Act of May 28<sup>th</sup>  
1830. It is however agreed that the military reservation  
at Fort Gibson shall be held by the United States. But  
should the United States abandon said post & have no  
further use for the same it shall revert to the Cherokee  
Nation The United States shall always have the right to  
make and establish such Post & military roads and forts  
in any part of the Cherokee Country, as they may deem prop-  
er for the interest & protection of the same And the free  
use of as much land, timber, fuel and Materials  
of all Kinds for the construction & support of the same  
as may be necessary; provided that if the private  
rights of individuals are interfered with a just  
Compensation therefor shall be made



Article 4<sup>th</sup> The United States also stipulate & agree to extinguish for the benefit of the Cherokees the titles to the reservations within their Country made in the Osage Treaty of 1825 to certain half Breeds and for this purpose they hereby agree to pay to the persons to whom the same belong or have been assigned or to their Agents or Guardians whenever they shall execute, after the ratification of this treaty a satisfactory conveyance for the same, to the United States, the sum of fifteen thousand Dollars according to a schedule accompanying this Treaty of the relative value of the several reservations

And whereas by the several Treaties between the United States and the Osage Indians the Union and Harmony Missionary reservations which were established for their benefit are now situated within the Country Ceded by them to the United States; the former being situated in the Cherokee Country and the latter in the State of Missouri. It is therefore agreed that the United States shall pay the American Board of Commissioners for foreign Missions for the improvements on the same <sup>what</sup> they shall be appraised at by Capt Geo Vashon Cherokee Sub Agent Abraham Redfield & A P Choteau or such persons as the President of the United States shall appoint and the money allowed for the same shall be expended in schools among the Osages & improving their Condition It is understood that the United States are to pay the amount allowed for the reservations in this Article And not the Cherokees

Article 5 The United States hereby covenant and agree that the lands Ceded to the Cherokee Nation in the foregoing Article shall in no future time without their consent, be included within the Territorial limits or jurisdiction of any State or Territory But they shall secure to the Cherokee Nation the right by their National Councils to make & carry into effect all such laws as



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they may deem necessary for the Government & protection of the persons & property within their own country belonging to their people or such persons as have connected themselves with them; Provided Always that they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed <sup>for the regulating of trade & intercourse with the</sup> ~~for the regulating of~~ <sup>Indian Affairs</sup>; And also that they shall not be considered as extending to such Citizens and Army of the United States as may travel or reside in the Indian Country by permission according to the laws & regulations established by the Government of the same

Summary

Article 6<sup>th</sup> Perpetual peace & friendship shall exist between the citizens of the United States & the Cherokee Indians The United States agree to protect the Cherokee Nation from domestic strife and foreign enemies And Against intestine wars between the several Tribes The Cherokees shall endeavour to preserve & maintain the peace of the Country and not make war upon their Neighbors They shall also be protected Against interruptions & intrusion from Citizens of the United States who may attempt to settle in the Country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers Mechanics & Teachers for the instruction of Indians according to treaty stipulations.

Article 7 The Cherokee Nation having already made great progress in civilization & deeming it important that every proper & laudable inducement should be offered to their people to improve their Condition as well as to guard & secure in the most effectual manner the rights guaranteed to them in this Treaty, And with a view to illustrate the



liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the Territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States whenever Congress shall make provision for the same

Article 8<sup>th</sup> The United States also agree & stipulate to remove the Cherokees to their new homes & to subsist them one year after their arrival there And that a sufficient number of Steam Boats & baggage Waggons shall be furnished to remove them comfortably, and so as not to endanger their health, And that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government Such persons and families as in the opinion of the Emigrating Agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full for all claims for the same Twenty Dollars for each member of their family. And in lieu of their one years rations they shall be paid the sum of thirty three dollars & thirty three cents if they prefer it

Such Cherokees also as reside at present out of the Nation & shall remove with them in two years west of the Mississippi shall be entitled to allowance for removal & subsistence as above provided

Article 9<sup>th</sup> The United States agree to appoint suitable Agents who shall make a just & fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; & also of the ferries owned by them according to their Nett income; And such improvements & ferries from which they have been disposed in a lawless



manner or under any existing laws of the state where the same may be situated

The just debts of the Indians shall be paid out of any monies due them for their improvements & claims; And they shall also be furnished at the discretion of the President of the United States with a sufficient sum to enable them to obtain the necessary means ~~of~~ to remove themselves to their new homes, And the balance of their dues shall be paid them at the Cherokee agency West of the Mississippi. The Missionary establishments shall also be valued and appraised in alike manner And the Amount of them paid over by the United States to the Treasurers of the respective Missionary societies by whom they have been established and improved in order to enable them to erect such buildings & make such improvements among the Cherokees West of the Mississippi as they may deem necessary for their benefit. Such teachers at present among the Cherokees as this Council shall select & designate shall be removed West of the Mississippi with the Cherokee Nation and on the same terms allowed to them

Article 10<sup>th</sup> The President of the United States shall invest in some safe and most productive public stocks of the Country for the benefit of the whole Cherokee Nation who have removed or shall remove to the lands assigned by this treaty to the Cherokee Nation West of the Mississippi the following sums as a permanent fund for the purposes hereinafter specified & pay over the net income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee Nation to receive the same And their receipt shall be a full discharge for the amount paid to them viz The sum of Two Hundred thousand dollars in addition to the present



annuities of the Nation to constitute a general fund the interest of which shall be applied Annually by the Council of the Nation to such purposes as they may deem best for the general interest of their people The sum of Fifty thousand dollars to constitute an orphan fund the annual income of which shall be expended towards the support & education of such orphan children as are destitute of the means of subsistence. The sum of one Hundred & fifty thousand dollars in addition to the present school fund of the Nation shall constitute a permanent school fund, the interest of which shall be applied Annually by the Council of the Nation for the support of Common schools & such a literary institution of a higher order as may be established in the Indian Country And in order to secure as far as possible the true & beneficial application of the orphan & school fund the Council of the Cherokee Nation when required by the President of the United States shall make a report of the Application of those funds & he shall at all times have the right, if the funds have been misapplied, to correct any abuses of them and direct the manner of their application for the purposes for which they were intended The Council of the Nation may by giving two years notice of their intention withdraw their funds by and with the Consent of the President and Senate of the United States, and invest them in such manner as they may deem most proper for their interest The United States also agree & stipulate to pay the just debts & claims against the Cherokee Nation held by the Citizens of the same and also the just claims of Citizens of the United States for services rendered to the Nation And the sum of Sixty thousand dollars is appropriated for this purpose but no claims against individual persons of the Nation shall be allowed & paid by the Nation The sum of three Hundred thousand dollars



is hereby set apart to pay & liquidate the just claims of the Cherokees upon the United States for Spoiliations of every kind, that have not been already satisfied under former treaties

Article 11<sup>th</sup> The Cherokee Nation of Indians believing it will be for the interest of their people to have all their funds and annuities under their own direction & future disposition hereby Agree to Commute their permanent Annuity of Ten thousand dollars for the sum of Two Hundred & fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the Nation; And their present school fund amounting to about Fifty thousand dollars shall constitute a part of the permanent school fund of the Nation

Article 12<sup>th</sup> Those individuals & families of the Cherokee Nation that are averse to a removal to the Cherokee Country west of the Mississippi and are desirous to become Citizens of the States where they reside and such as are qualified to take care of themselves & <sup>their</sup> property shall be entitled to receive their due portion of all the personal benefits accruing under this Treaty for their Claims, improvements and per Capita: as soon as an appropriation is made for this Treaty

Such heads of Cherokee families as are desirous to reside within the States of No Carolina Tennessee & Alabama subject to the laws of the same; and who are qualified or calculated to become useful Citizens shall be entitled on the certificate of the Commissioners to a pre-emption right to One Hundred Sixty acres of land or one quarter section; <sup>at the minimum Congress price</sup> so as to include



the present buildings or improvements of those who now reside there and such as do not live there at present shall be permitted to locate within two years any lands not already occupied by persons entitled to preemption privilege under this Treaty and if two or more families <sup>live</sup> on the same quarter section and they desire to continue their residence in these states and are qualified as above specified they shall on receiving their preemption Certificate be entitled to the right of preemption to such lands as they may select not already taken by any person entitled to them under this Treaty.

It is stipulated and agreed between the United States & the Cherokee people that John Ross James Starr George Hicks John Gunter George Chambers John Ridge Elias Boudinot George Sanders John Martin William Rogers Roman Nose Situwake & John Timpson shall be a committee on the part of the Cherokees to recommend such persons for the privilege of preemption rights as may be deemed entitled to the same under the above articles and to select the missionaries who shall be removed with the Nation; and that they be hereby fully empowered and authorized to transact all business on the part of the Indians which may arise in carrying into effect the provisions of this Treaty & settling the same with the United States. If any of the persons above mentioned should decline acting or be removed by death; the vacancies shall be filled by the committee themselves.

It is also understood and agreed that the sum of One hundred thousand dollars shall be expended by the Commissioners in such manner as the Committee deem best for the benefit of the poorer class of Cherokees as shall remove west or have removed west and are entitled to the benefits of this Treaty. The same to be delivered at the Cherokee Agency west as soon after the



removal of the Nation as possible

Article 13<sup>th</sup> In order to make a final settlement of all the claims of the Cherokees for Reservations granted under former treaties to any individuals belonging to the Nation by the United States it is therefore hereby stipulated and agreed & expressly understood by the parties to this Treaty. — that all the Cherokees & their heirs & descendants to whom any reservations have been made under any former Treaties with the United States; And who have not sold or conveyed the same by deed or otherwise & who in the opinion of the Commissioners have complied with the terms on which the reservations were granted as far as practicable in the several cases; and which reservations have since been sold by the United States shall constitute a just claim against the United States and the Original reserves or their heirs or descendants shall be entitled to receive the present value thereof from the United States as unimproved lands. — And all such reservations as have not been sold by the United States and where the terms on which the Reservations were made in the opinion of the Commissioners have been complied with as far as practicable, they or their heirs or descendants shall be entitled to the same. They are hereby granted and confirmed to them — And also all persons who were entitled to reservations under the Treaty of 1817 And who as far as practicable in the opinion of the Commissioners have complied with the stipulations of said Treaty; Although by the Treaty of 1819 such reservations were included in the unceded lands belonging to the Cherokee Nation are hereby confirmed to them & they shall be entitled to receive a grant for the same. And all such reserves as were obliged by the laws of the states in which their reservations were situated, to abandon the same or purchase them from the states shall be deemed to have a just claim



Against the United States for the Amount by them paid to the states with interest thereon ~~for~~ such Reservations and if obliged to abandon the same, to the present value of such reservations as unimproved lands But in all cases where the Reserves have sold their Reservations or any part thereof & conveyed the same by deed or otherwise and have been paid for the same, they their heirs or descendants or their assigns shall not be considered as having any claims upon the United States under this Article of the Treaty (Nor be entitled to receive any Compensation for the lands thus disposed of. It is expressly understood by the parties to this Treaty that the Amount to be allowed for Reservations under this Article shall not be deducted out of the Consideration money allowed to the Cherokees for their claims for spoiliations and the cession of their lands; but the same is to be paid for independently by the United States as it is only a just fulfillment of former treaty stipulations

Article 14<sup>th</sup> It is also agreed on the part of the United States that such Warriors of the Cherokee Nation as were engaged on the side of the United States in the late War with Great Britain & the Southern Tribes of Indians, and who were wounded in such service shall be entitled to such pensions as shall be allowed them by the Congress of the United States to commence from the period of their disability.

Article 15<sup>th</sup> It is expressly understood & agreed between the parties to this Treaty that after deducting the Amount which shall be actually expended for the payment for improvements, ferries, claims, for spoiliations, removal subsistence and debts and claims upon the Cherokee Nation and for the additional quantity of lands and goods for the poorer class of Cherokees And the several sums



to be invested for the General National funds; provided for in the several articles of this Treaty; the balance whatever the same may be shall be equally divided between all the people belonging to the Cherokee Nation East according to the Census just completed; And such Cherokees as have removed west since June 1833 who are entitled by the terms of their enrollment & removal to all the benefits resulting from the final Treaty between the United States and the Cherokees East They shall also be paid for their improvements according to their approved value before their removal where fraud has not already been shown in their valuation

Article 16<sup>th</sup> It is hereby stipulated & agreed by the Cherokees that they shall remove to their new homes within two years from the ratification of this Treaty And that during such time the United States shall protect & defend them in their possessions & property and free use & occupation of the same And such persons as have been dispossessed of their Improvements & houses; And for which no grant has actually issued previously to the enactment of the law of the State of Georgia of December 1835 to regulate Indian Occupancy shall be again put in possession and placed in the same situation & condition; in reference to the laws of the State of Georgia as the Indians that have not been dispossessed; And if this is not done; And the people are left unprotected; then the United States shall pay the several Cherokees for the losses & damages sustained by them in consequence thereof And it is also stipulated and agreed that the public buildings and improvements in which they are ~~situated~~ at New Echota for which no grant has been actually made previous to the passage of the above recited Act; if not occupied by the Cherokee people shall be reserved ~~shall be reserved~~ for the public and free use of the United States & the Cherokee Indians for the



purpose of settling & closing all the Indian business arising under this Treaty between the Commissioners of Claims & the Indians. & the respective claimants &c

The United States & the several States interested in the Cherokee lands; shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed & understood between the parties that the Agency buildings and that tract of land surveyed & laid off for the use of Colo R. J. Meigs Indian Agent or heretofore enjoyed & occupied by his successors in Office shall continue subject to the use & occupancy of the United States or such Agent as may be engaged specially superintending the removal of the tribe.

Article 17<sup>th</sup> All the claims arising under or provided for in the General Articles of this Treaty shall be examined & adjudicated by Genl Wm Carroll & John F Schermernhorn or by such Commissioners as shall be appointed by the President of the United States for that purpose and their decision shall be final And on their certificate of the Amount due the several Claimants they shall be paid by the United States. All stipulations in former Treaties which have not been superseded or annulled by this shall continue in full force and virtue

Article 18<sup>th</sup> Whereas in consequence of the unsettled Affairs of the Cherokee people and the early frosts their crops are insufficient to support their families and great distress is likely to ensue And Whereas the Nation will not until after their removal be able advantageously to expend the income of the permanent funds of the Nation It is therefore agreed that the Annuities of the Nation which may accrue under this Treaty for two years, the time fixed for their removal shall be expended in provision & clothing for the benefit of the poorer class of the Nation; And the United States hereby agree to advance the same for that purpose



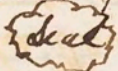
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purpose as soon after the ratification of this Treaty as an appropriation for the same shall be made. It is however not intended in this article to interfere with that part of the annuities due the Cherokees west by the Treaty of 1819.

Article 19 This treaty after the same shall be ratified by the President & Senate of the United States shall be obligatory on the contracting parties.

In testimony whereof the Commissioners and the Chiefs head men & people whose names are herewith annexed being duly authorized by the people in general Council assembled have affixed their hands & seals for themselves & in behalf of the Cherokee Nation. I have

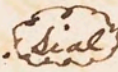
examined the foregoing treaty and altho. not present when it was made, I approve its provisions generally and therefore sign it.

Uac te hee <sup>his</sup>  
mark



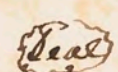
J. F. Schermerhorn

Ue gah e ske <sup>his</sup>  
mark

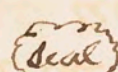


J. F. Schermerhorn

Robert Rogers  
John Hunter

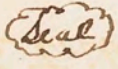


Mayor <sup>his</sup>  
mark Ridge



James <sup>his</sup>  
mark Foster

John A. Bell

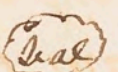


Jesa Tacey <sup>his</sup>  
mark

Charles H. Hornum

Charles <sup>his</sup>  
mark Moore

William Rogers



George <sup>his</sup>  
mark Chambers

George W. Adair

Tah yerke <sup>his</sup>  
mark

Elias Boudinot

Archibald <sup>his</sup>  
mark Smith

James <sup>his</sup>  
mark F. Hornum

Andrew Ross

Jesse Halfbreed <sup>his</sup>  
mark

William Lofley



Signed & Sealed in  
Presence of

Western B. Thomas Secy

Ben F. Lowrey Special Agent

M Wolf Balm and

Lat 6 U.S. by. Derby Agent

Geo. L. Hooper

Lieut. H. Buffe

C. M. Hitchcock M. D.

St. S. Surge. N. H. Army

W. Currey

Wm Underwood

Cornelius D. Perkins

John M. Underwood

In compliance with Instructions of the Council  
at New Echota we sign this Treaty -

March 1<sup>st</sup> 1836

Witnesses

Robert Horning

Alexander H. Everett

John Robb

David

Wm. Y. Hamrell

Sam. P. Potts

Thos. Little

Wm. H. Howell

Stand Watie  
John Ridge



12 2 13  
The following article was adopted as a supplemental article to the treaty by a unanimous vote of the Committee & ordered to be attached to & considered as part of this Treaty.

Article 20<sup>th</sup>

The United States do also hereby guarantee the payment of all unpaid just claims upon the Indians, without expense to them, out of the proper funds of the United States, for the settlement of which a cession or cessions of land has or have been heretofore made by the Indians, in Georgia. Provided the United States or the State of Georgia has derived benefit from the said cession or cessions of land without having made payment to the Indians therefor. - It is hereby however further agreed and understood, that if the Senate of the United States disapprove of this article it may be rejected without impairing any other provision of this treaty, or affecting the Indians in any manner, whatever.

W. H. Bay  
Chf Commr

W. B. Thomas  
Secy



In compliance with the unanimous request  
of the Committee of the Cherokee Nation in General  
council assembled, it is consented and agreed by the  
~~Commissioner~~ Commissioner on the part of the United States  
that the foregoing shall be added as a supplemental  
article to the Treaty under the express condition and  
stipulation that if the <sup>President or</sup> Senate of the United States  
disapprove of this article it may be rejected  
without impairing any other provision of this  
Treaty or affecting the Indians in any manner  
whatever.

J. F. Schermuckhorn



Robinson

Whereas the Western Cherokees have appointed a delegation to visit the Eastern Cherokees to assure them of the friendly disposition of their people and their desire that the Nation should again be united as one people And to urge upon them the expediency of accepting <sup>the</sup> overtures of the Government; and that on their removal they may be assured of a hearty welcome and an equal participation with them in all the benefits and privileges of the Cherokee Country West And the undersigned two of said Delegation being the only delegates in the Eastern Nation from the west at the signing & sealing of the Treaty lately concluded at New Echota between their Eastern brethren and the United States and having fully understood the provisions of the same they agree to it in behalf of the Western Cherokees But it is expressly understood that nothing in this Treaty shall affect any claims of the Western Cherokees on the United States

In Testimony whereof we have  
this 31<sup>st</sup> day of December 1835  
hereunto set our hands & seals

Jest Bonjourney Special Agt James Register

M. W. Butler and

1 Let 6: Impunity

John <sup>his</sup> Smith  
morth

Seals

Jos. L. Hooper  
Lieut L. Suff.

Elias Boudinot

Delegates  
from the Western  
Cherokees



# Schedule

Schedule and estimated value of the Osage half breed Reservations within the Territory ceded to the Cherokees West of the Mississippi (referred to in Article 5 on the foregoing treaty) viz:

Augustus Clamont one Section	\$6000.
James " " "	1000.
Paul " " "	1300.
Henry " " "	800.
Anthony " " "	1800.
Rosalie " " "	1800.
Emilia D. of Mihanga	1000.
Emilia D. of Shemianga	1300.
	<u>\$15,000.</u>

I hereby certify that the above Schedule is the estimated value of the Osage Reservations; as made out and agreed upon with Col. A. P. Chouteau who represented himself as the Agent or Guardian of the above Reserves.

March 14th 1835.

J. F. Schermerhorn



Supplementary Article, to a treaty concluded at New Echota, Georgia, December 29<sup>th</sup> 1835, between the United States and Cherokee people.

Whereas the undersigned were authorized at the general meeting of the Cherokee people held at New Echota as above stated to make and assent to such alterations in the preceding treaty as might be thought necessary and whereas the President of the United States has expressed his determination not to allow any preemption or reservations his desire being that the whole Cherokee people should remove together and establish themselves in the country provided for them west of the Mississippi river.

Article 1<sup>st</sup>. It is therefore agreed that all the preemption rights and reservations provided for in articles 12 and 13 shall be and are hereby relinquished and declared void.

Article 2<sup>d</sup>. whereas the Cherokee people have supposed that the sum of Five Millions of dollars fixed by the Senate in their Resolution of — day of March 1835 as the value of the Cherokee lands and possessions East of the Mississippi river was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against Citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question and whereas the President is willing that this subject should be referred to the Senate for their consideration and if it was not intended by the Senate that the above mentioned sum of Five Millions of dollars should include the objects herein specified that



that in that case such further provision should be made therefore as might appear to the Senate to be just.

Article 3<sup>d</sup>. It is therefore agreed that the sum of six hundred thousand dollars shall be and the same is hereby allowed to the Cherokee people to include the expense of their removal and all claims of every nature and description against the Government of the United States, not herein otherwise expressly provided for, and to be in lieu of the said reservation, and preemptions, and of the sum of three hundred thousand dollars for Spoliations described in the 1<sup>st</sup> Article of the above mentioned treaty. This sum of ~~six~~ hundred thousand dollars shall be applied and distributed agreeably to the provisions of the said treaty, and any surplus which may remain after removal and payment of the claims so ascertained shall be turned over and belong to the Education fund.

But it is expressly understood that the subject of this article is merely referred hereby to the consideration of the Senate and if they shall approve the same then <sup>this Supplement</sup> ~~it~~ shall remain part of the treaty.

Article 4<sup>th</sup>. It is also understood that the provisions in article 16<sup>th</sup> for the Agency reservation is not intended to interfere with the occupant right of any Cherokees should their improvement fall within the same.

It is also understood and agreed that the one hundred thousand dollars appropriated in article 12 for the poorer class of Cherokees and intended as a set off to the preemption rights shall




now be transferred from the funds of the Nation and added to the general National fund of four hundred thousand dollars so as to make said fund equal to five hundred thousand dollars.

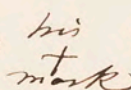

*Full Text*  
Article 5<sup>th</sup> The necessary expenses attending the negotiation of the aforesaid treaty and Supplement and also of such persons of the Delegations as may sign the same shall be defrayed by the United States.

In testimony whereof John H Schermnerhorn, Commissioner on the part of the United States, and the undersigned Delegation have hereunto set their hands and seals, this first day of March, in the year One thousand eight hundred & thirty six

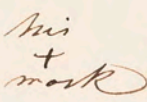

Andrew Ross 


J. F. Schermnerhorn 

William Rogers 

Major Ridge  

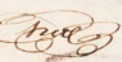
John Hunter 

James Foster  


John A. Bell 

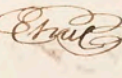
Tah ye ske  

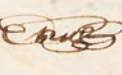
Jos. A. Freeman

Robert Sanders. 

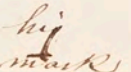

Long Shue Smith  

Elias Boudinot 

John Fries  

Johnson Rogers 

James Fries  

James Starr  

George Welch  



Stand Watie  
John Ridge

Seal

Seal

Seal

Seal

Seal

James Rogers

John <sup>his</sup> Smith  
mark

Witnesses  
Eliot Herring  
Thos Glascock

Alexander H. Everett  
Margaret  
May 16. 1864

C. A. Harris

John Robb  
Jm. Y. Standell  
Sam. P. Potts

Wm. Little  
J. Rockwell



Now therefore be it known that I Andrew Jackson President of the United States of America, having seen and considered the said Treaty, and also the Supplementary Articles thereunto annexed, do, in pursuance of the advice and consent of the Senate, as expressed in their Resolution of the eighteenth day of May, one thousand eight hundred and thirty-six, accept, ratify, and confirm the same, with the following amendments thereto, as expressed in the aforesaid Resolution of the Senate.

"Article 17 lines 2 and 3. Strike out the words 'by General William Carroll and John F. Schermehorn, or'

"In the 4<sup>th</sup> line of the same Article after the word 'States' insert 'by and with the <sup>advice and</sup> consent of the Senate of the United States.'

"Strike out the 20<sup>th</sup> Article which appears as a Supplemental article."

In Testimony whereof I have caused the Seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this twenty third day of May, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the Sixtieth.

Andrew Jackson

By the President

John M. Clayton Secretary of State.



In the Senate of the US  
May 18<sup>th</sup> 1836.

Resolved, (two thirds of  
the Senators present concurring)  
That the Senate do advise  
and consent to the ratification  
of the Treaty between the United  
States of America and the  
Cherokee Indians, concluded at  
New Echota the 29<sup>th</sup> day of  
December 1835, together with  
the Supplementary Articles thereto  
dated the first day of March  
One thousand Eight hundred  
and thirty six, with the  
following Amendments thereto:

Article 17 lines 2 and 3. Strike  
out the words, "by General  
William Carroll and John  
F. Schermershorn, or"

In the 4<sup>th</sup> line of the same Article  
after the word "States," insert  
by and with the advice and  
consent of the Senate of the  
United States "

Strike out the 20<sup>th</sup> Article  
which appears as a  
Supplemental article.

Attest,

Walter Lawrence  
Secretary,



Referred to  
to the Secretary  
of State for in-  
formation for re-  
ception and  
approval of  
the J.

Recd May 21



1835.

Printed Copy

Printed Copy  
Indian Treaty  
Cherokees

Printed Copy

1835.

Concluded ~~with~~ Dec. 29, 1835 with supplementary  
articles, dated March 1, 1836

Ratified May 23, 1836



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# **TREATY**

BETWEEN

**THE UNITED STATES OF AMERICA**

AND THE

**CHIEFS HEADMEN AND PEOPLE**

OF THE

***CHEROKEE TRIBE OF INDIANS.***

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CONCLUDED DECEMBER 29, 1835, WITH SUPPLEMENTARY ARTICLES,  
DATED MARCH 1, 1836—RATIFIED MAY 23, 1836.

---





## ANDREW JACKSON,

**PRESIDENT OF THE UNITED STATES OF AMERICA,**

***To all and singular to whom these presents shall come, Greeting:***

WHEREAS a Treaty was concluded at New Echota, in the State of Georgia, on the twenty-ninth day of December eighteen hundred and thirty-five, by General William Carroll, and John F. Schermerhorn, commissioners on the part of the United States; and the chiefs, head men, and people, of the Cherokee tribe of Indians. AND WHEREAS certain articles supplementary to the said Treaty were agreed upon between John F. Schermerhorn, commissioner on the part of the United States, and a delegation of the Cherokee people, on the first day of March, one thousand eight hundred and thirty-six. Which treaty and supplementary articles are in the words following, to wit:

*Articles of a treaty concluded at New Echota in the State of Georgia on the 29th day of Decr. 1835 by General William Carroll and John F. Schermerhorn commissioners on the part of the United States and the Chiefs Head Men and People of the Cherokee tribe of Indians.*

Whereas the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdiction and laws of the State Governments may be terminated and adjusted; and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers without the territorial limits of the State sovereignties; and where they can establish and enjoy a Government of their choice and perpetuate such a state of society as may be most consonant with their views habits and condition; and as may tend to their individual comfort and their advancement in civilization.

And whereas a delegation of the Chero-

kee nation composed of Messrs. John Ross Richard Taylor Danl McCoy Samuel Gunter and William Rogers with full power and authority to conclude a treaty with the United States did on the 28th day of February 1835 stipulate and agree with the Government of the United States to submit to the Senate to fix the amount which should be allowed the Cherokees for their claims and for a cession of their lands east of the Mississippi river and did agree to abide by the award of the Senate of the United States themselves and to recommend the same to their people for their final determination

And whereas on such submission the Senate advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river"

And whereas this delegation after said award of the Senate had been made, were called upon to submit propositions as to its disposition to be arranged in a treaty which they refused to do, but insisted that the same "should be referred to their nation and there in general council to deliberate and



determine on the subject in order to ensure harmony and good feeling among themselves."

And whereas a certain other delegation composed of John Ridge Elias Boudinot Archilla Smith S. W. Bell John West Wm. A Davis and Ezekiel West, who represented that portion of the nation in favor of emigration to the Cherokee country west of the Mississippi entered into propositions for a treaty with John F. Schermerhorn commissioner on the part of the United States which were to be submitted to their nation for their final action and determination:

And whereas the Cherokee people, at their last October council at Red Clay, fully authorized and empowered a delegation or committee of twenty persons of their nation to enter into and conclude a treaty with the United States commissioner then present, *at that place or elsewhere* and as the people had good reason to believe that a treaty would then and there be made or at a subsequent council at New Echota which the commissioners it was well known and understood, were authorized and instructed to convene for said purpose; and since the said delegation have gone on to Washington city, with a view to close negotiations there, as stated by them notwithstanding they were officially informed by the United States commissioner that they would not be received by the President of the United States; and that the Government would transact no business of this nature with them, and that if a treaty was made it must be done here in the nation, where the delegation at Washington last winter *urged that it should be done for the purpose of promoting peace and harmony among the people*; and since these facts have also been corroborated to us by a communication recently received by the commissioner from the Government of the United States and read and explained to the people in open council and therefore believing said delegation can effect nothing and since our difficulties are daily increasing and our situation is rendered more and more precarious uncertain and insecure in consequence of the legislation of the States; and seeing no effec-

tual way of relief, but in accepting the liberal overtures of the United States

And whereas Genl William Carroll and John F. Schermerhorn were appointed commissioners on the part of the United States, with full power and authority to conclude a treaty with the Cherokees east and were directed by the President to convene the people of the nation in general council at New Echota and to submit said propositions to them with power and authority to vary the same so as to meet the views of the Cherokees in reference to its details

And whereas the said commissioners did appoint and notify a general council of the nation to convene at New Echota on the 21st day of December 1835; and informed them that the commissioners would be prepared to make a treaty with the Cherokee people who should assemble there and those who did not come they should conclude gave their assent and sanction to whatever should be transacted at this council and the people having met in council according to said notice

Therefore the following articles of a treaty are agreed upon and concluded between William Carroll and John F. Schermerhorn commissioners on the part of the United States and the chiefs head men and people of the Cherokee nation in general council assembled this 29th day of Decr 1835.

ARTICLE 1. The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliations of every kind for and in consideration of the sum of five millions of dollars to be expended paid and invested in the manner stipulated and agreed upon in the following articles But as a question has arisen between the commissioners and the Cherokees whether the Senate in their resolution by which they advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river" have included and made any allowance or consideration for claims for spoliations it is therefore agreed on the part of the United States

that this question shall be again submitted to the Senate for their consideration and decision and if no allowance was made for spoliations that then an additional sum of three hundred thousand dollars be allowed for the same.

ARTICLE 2. Whereas by the treaty of May 6th 1828 and the supplementary treaty thereto of Feb. 14th, 1833 with the Cherokees west of the Mississippi the United States guarantied and secured to be conveyed by patent, to the Cherokee nation of Indians the following tract of country "Beginning at a point on the old western territorial line of Arkansas Territory being twenty-five miles north from the point where the territorial line crosses Arkansas river, thence running from said north point south on the said territorial line where the said territorial line crosses Verdigris river; thence down said Verdigris river to the Arkansas river; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand river at its junction with the Arkansas; thence running south forty-four degrees west one mile; thence in a straight line to a point four miles north-erly, from the mouth of the north fork of the Canadian; thence along the said four mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the land assigned the Senecas; thence on the south line of the Senecas to Grand river; thence up said Grand river as far as the south line of the Osage reservation, extended if necessary; thence up and between said south Osage line extended west if necessary and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make seven millions of acres within the whole described boundaries, In addition to the seven millions of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of

said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend:

*Provided however* That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; And letters patent shall be issued by the United States as soon as practicable for the land hereby guarantied"

And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi the United States in consideration of the sum of five hundred thousand dollars therefore hereby covenant and agree to convey to the said Indians, and their descendants by patent, in fee simple the following additional tract of land situated between the west line of the State of Missouri and the Osage reservation beginning at the southeast corner of the same and runs north along the east line of the Osage lands fifty miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south fifty miles; thence west to the place of beginning; estimated to contain eight hundred thousand acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

ARTICLE 3. The United States also agree that the lands above ceded by the treaty of Feb. 14 1833, including the outlet, and those ceded by this treaty shall all be included in one patent executed to the Cherokee nation of Indians by the President of the United States according to the provisions of the act of May 28 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post and have no further use for the same it shall revert to the Cherokee nation The United States shall always



have the right to make and establish such post and military roads and forts in any part of the Cherokee country, as they may deem proper for the interest and protection of the same and the free use of as much land, timber, fuel and materials of all kinds for the construction and support of the same as may be necessary; provided that if the private rights of individuals are interfered with, a just compensation therefor shall be made.

ARTICLE 4. The United States also stipulate and agree to extinguish for the benefit of the Cherokees the titles to the reservations within their country made in the Osage treaty of 1825 to certain half-breeds and for this purpose they hereby agree to pay to the persons to whom the same belong or have been assigned or to their agents or guardians whenever they shall execute, after the ratification of this treaty a satisfactory conveyance for the same, to the United States, the sum of fifteen thousand dollars according to a schedule accompanying this treaty of the relative value of the several reservations.

And whereas by the several treaties between the United States and the Osage Indians the Union and Harmony Missionary reservations which were established for their benefit are now situated within the country ceded by them to the United States; the former being situated in the Cherokee country and the latter in the State of Missouri. It is, therefore agreed that the United States shall pay the American Board of Commissioners for Foreign Missions for the improvements on the same what they shall be appraised at by Capt. Geo. Vashon Cherokee sub-agent Abraham Redfield and A. P. Chouteau or such persons as the President of the United States shall appoint and the money allowed for the same shall be expended in schools among the Osages and improving their condition. It is understood that the United States are to pay the amount allowed for the reservations in this article and not the Cherokees.

ARTICLE 5. The United States hereby covenant and agree that the lands ceded to the Cherokee nation in the foregoing article shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to

the Cherokee nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: provided always that they shall not be inconsistent with the constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the Government of the same.

ARTICLE 6. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee nation from domestic strife and foreign enemies and against intestine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country and not make war upon their neighbors they shall also be protected against interruption and intrusion from citizens of the United States, who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers mechanics and teachers for the instruction of Indians according to treaty stipulations.

ARTICLE 7. The Cherokee nation having already made great progress in civilization and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States whenever Congress shall make provision for the same.

ARTICLE 8. The United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there and that a sufficient number of steamboats and baggage-wagons shall be furnished to remove them comfortably, and so as not to endanger their health; and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government. Such persons and families as, in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents if they prefer it.

Such Cherokees also as reside at present out of the nation and shall remove with them in two years west of the Mississippi shall be entitled to allowance for removal and subsistence as above provided.

ARTICLE 9. The United States agree to appoint suitable agents who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them, according to their nett income; and such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws of the State where the same may be situated.

The just debts of the Indians shall be paid out of any moneys due them for their improvements and claims; and they shall also be furnished at the discretion of the President of the United States with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee agency west of the Mississippi. The missionary establishments shall also be valued and appraised in a like manner and the amount of them paid over by the United States to the treasurers of the respective missionary societies by whom they have been established and improved in order to enable them to erect such buildings and make such improvements among the Cherokees west of the Mississippi as they

may deem necessary for their benefit. Such teachers at present among the Cherokees as this council shall select and designate shall be removed west of the Mississippi with the Cherokee nation and on the same terms allowed to them.

ARTICLE 10. The President of the United States shall invest in some safe and most productive public stocks of the country for the benefit of the whole Cherokee nation who have removed or shall remove to the lands assigned by this treaty to the Cherokee nation west of the Mississippi the following sums as a permanent fund for the purposes hereinafter specified and pay over the nett income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee nation to receive the same and their receipt shall be a full discharge for the amount paid to them viz: the sum of two hundred thousand dollars in addition to the present annuities of the nation to constitute a general fund the interest of which shall be applied annually by the council of the nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars to constitute an orphan's fund the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars in addition to the present school fund of the nation shall constitute a permanent school fund, the interest of which shall be applied annually by the council of nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country. And in order to secure as far as possible the true and beneficial application of the orphan's and school fund the council of the Cherokee nation when required by the President of the United States shall make a report of the application of those funds and he shall at all times, have the right if the funds have been misapplied to correct any abuses of them and direct the manner of their application for the purposes for which they were intended. The council of the nation may by giving two years' notice of their intention withdraw their funds by and with the consent of the President and Senate of the



United States, and invest them in such manner as they may deem most proper for their interest. The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation held by the citizens of the same and also the just claims of citizens of the United States for services rendered to the nation and the sum of sixty thousand dollars is appropriated for this purpose but no claims against individual persons of the nation shall be allowed and paid by the nation. The sum of three hundred thousand dollars is hereby set apart to pay and liquidate the just claims of the Cherokees upon the United States for spoiliations of every kind, that have not been already satisfied under former treaties.

ARTICLE 11. The Cherokee nation of Indians believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the nation; and their present school fund amounting to about fifty thousand dollars shall constitute a part of the permanent school fund of the nation.

ARTICLE 12. Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi and are desirous to become citizens of the States where they reside and such as are qualified to take care of themselves and their property shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements and *per capita*; as soon as an appropriation is made for this treaty.

Such heads of Cherokee families as are desirous to reside within the States of North Carolina Tennessee and Alabama subject to the laws of the same; and who are qualified or calculated to become useful citizens shall be entitled, on the certificate of the commissioners to a pre-emption right to one hundred and sixty acres of land or one quarter section at the minimum Congress price; so as to include the present buildings or improvements of those who now reside there and such as do not live there at

present shall be permitted to locate within two years any lands not already occupied by persons entitled to pre-emption privilege under this treaty and if two or more families live on the same quarter section and they desire to continue their residence in these States and are qualified as above specified they shall, on receiving their pre-emption certificate be entitled to the right of pre-emption to such lands as they may select not already taken by any person entitled to them under this treaty.

It is stipulated and agreed between the United States and the Cherokee people that John Ross James Starr George Hicks John Gunter George Chambers John Ridge Elias Boudinot George Sanders John Martin William Rogers Roman Nose Situwake and John Timpson shall be a committee on the part of the Cherokees to recommend such persons for the privilege of pre-emption rights as may be deemed entitled to the same under the above articles and to select the missionaries who shall be removed with the nation; and that they be hereby fully empowered and authorized to transact all business on the part of the Indians which may arise in carrying into effect the provisions of this treaty and settling the same with the United States. If any of the persons above mentioned should decline acting or be removed by death; the vacancies shall be filled by the committee themselves.

It is also understood and agreed that the sum of one hundred thousand dollars shall be expended by the commissioners in such manner as the committee deem best for the benefit of the poorer class of Cherokees as shall remove west or have removed west and are entitled to the benefits of this treaty. The same to be delivered at the Cherokee agency west as soon after the removal of the nation as possible.

ARTICLE 13. In order to make a final settlement of all the claims of the Cherokees for reservations granted under former treaties to any individuals belonging to the nation by the United States it is therefore hereby stipulated and agreed and expressly understood by the parties to this treaty—that all the Cherokees and their heirs and descendants to whom any reservations have been made under any former treaties with the United

States, and who have not sold or conveyed the same by deed or otherwise and who in the opinion of the commissioners have complied with the terms on which the reservations were granted as far as practicable in the several cases; and which reservations have since been sold by the United States shall constitute a just claim against the United States and the original reservee or their heirs or descendants shall be entitled to receive the present value thereof from the United States as unimproved lands. And all such reservations as have not been sold by the United States and where the terms on which the reservations were made in the opinion of the commissioners have been complied with as far as practicable, they or their heirs or descendants shall be entitled to the same. They are hereby granted and confirmed to them—and also all persons who were entitled to reservations under the treaty of 1817 and who as far as practicable in the opinion of the commissioners, have complied with the stipulations of said treaty, although by the treaty of 1819 such reservations were included in the unceded lands belonging to the Cherokee nation are hereby confirmed to them and they shall be entitled to receive a grant for the same. And all such reserves as were obliged by the laws of the States in which their reservations were situated, to abandon the same or purchase them from the States shall be deemed to have a just claim against the United States for the amount by them paid to the States with interest thereon for such reservations and if obliged to abandon the same, to the present value of such reservations as unimproved lands but in all cases where the reservees have sold their reservations or any part thereof and conveyed the same by deed or otherwise and have been paid for the same, they their heirs or descendants or their assigns shall not be considered as having any claims upon the United States under this article of the treaty nor be entitled to receive any compensation for the lands thus disposed of. It is expressly understood by the parties to this treaty that the amount to be allowed for reservations under this article shall not be deducted out of the consideration money allowed to the Cherokees for their claims for spoiliations and the cession of their lands; but the

same is to be paid for independently by the United States as it is only a just fulfilment of former treaty stipulations.

ARTICLE 14. It is also agreed on the part of the United States that such warriors of the Cherokee nation as were engaged on the side of the United States in the late war with Great Britain and the southern tribes of Indians, and who were wounded in such service shall be entitled to such pensions as shall be allowed them by the Congress of the United States to commence from the period of their disability.

ARTICLE 15. It is expressly understood and agreed between the parties to this treaty that after deducting the amount which shall be actually expended for the payment for improvements, ferries, claims, for spoiliations, removal subsistence and debts and claims upon the Cherokee nation and for the additional quantity of lands and goods for the poorer class of Cherokees and the several sums to be invested for the general national funds; provided for in the several articles of this treaty the balance whatever the same may be shall be equally divided between all the people belonging to the Cherokee nation east according to the census just completed; and such Cherokees as have removed west since June 1833 who are entitled by the terms of their enrolment and removal to all the benefits resulting from the final treaty between the United States and the Cherokees east they shall also be paid for their improvements according to their approved value before their removal where fraud has not already been shown in their valuation.

ARTICLE 16. It is hereby stipulated and agreed by the Cherokees that they shall remove to their new homes within two years from the ratification of this treaty and that during such time the United States shall protect and defend them in their possessions and property and free use and occupation of the same and such persons as have been dispossessed of their improvements and houses; and for which no grant has actually issued previously to the enactment of the law of the State of Georgia, of December 1835 to regulate Indian occupancy shall be again put in possession and placed in the same situation and condition; in reference to the laws of the State of Georgia as the Indians that have not been dispossessed; and if this is not done; and



the people are left unprotected; then the United States shall pay the several Cherokees for the losses and damages sustained by them in consequence thereof. And it is also stipulated and agreed that the public buildings and improvements on which they are situated at New Echota for which no grant has been actually made previous to the passage of the above recited act; if not occupied by the Cherokee people shall be reserved for the public and free use of the United States and the Cherokee Indians for the purpose of settling and closing all the Indian business arising under this treaty between the commissioners of claims and the Indians.

The United States, and the several States interested in the Cherokee lands; shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed and understood between the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs Indian agent or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

ARTICLE 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by Gen Wm Carroll and John F. Schermerhorn or by such commissioners as shall be appointed by the President of the United States for that purpose and their decision shall be final and on their certificate of the amount due the several claimants they shall be paid by the United States. All stipulations in former treaties which have not been superseded or annulled by this shall continue in full force and virtue.

ARTICLE 18. Whereas in consequence of the unsettled affairs of the Cherokee people and the early frosts, their crops are insufficient to support their families and great distress is likely to ensue and whereas the nation will not, until after their removal be able advantageously to expend the income of the permanent funds of the nation it is therefore agreed that the annuities of the nation which may accrue under this treaty for two years, the time fixed for their removal shall be expended in provision and clothing for the benefit of the poorer class of the nation; and the United States hereby

agree to advance the same for that purpose as soon after the ratification of this treaty as an appropriation for the same shall be made. It is however not intended in this article to interfere with that part of the annuities due the Cherokees west by the treaty of 1819.

ARTICLE 19. This treaty after the same shall be ratified by the President and Senate of the United States shall be obligatory on the contracting parties.

In testimony whereof the commissioners and the chiefs head men and people whose names are hereunto annexed being duly authorized by the people in general council assembled have affixed their hands and seals for themselves and in behalf of the Cherokee nation.

I have examined the foregoing treaty and although not present when it was made, I approve its provisions generally, and therefore sign it

Wm Carroll,	[L. s.]
J. F. Schermerhorn,	[L. s.]
Major Ridge, his x mark,	[L. s.]
James Foster, his x mark,	[L. s.]
Tesa-ta-esky, his x mark,	[L. s.]
Charles Moore, his x mark,	[L. s.]
George Chambers, his x mark,	[L. s.]
Tah-yeske, his x mark,	[L. s.]
Archilla Smith, his x mark,	[L. s.]
Andrew Ross,	[L. s.]
William Lassley,	[L. s.]
Cae-te-hee, his x mark,	[L. s.]
Te-gah-e-ske, his x mark,	[L. s.]
Robert Rogers,	[L. s.]
John Gunter,	[L. s.]
John A. Bell,	[L. s.]
Charles F. Foreman,	[L. s.]
William Rogers,	[L. s.]
George W. Adair,	[L. s.]
Elias Boudinot,	[L. s.]
James Starr, his x mark,	[L. s.]
Jesse Half-breed, his x mark,	[L. s.]

Signed and sealed in presence of  
 WESTERN B. THOMAS, *Secy.*  
 BEN. F. CURREY, *Special Agent.*  
 M. WOLF BATEMAN, *1st Lt. 6th U. S.*  
*A. inf., Disbg. Agent.*  
 JNO. L. HOOPER, *Lt. 4th inf.*  
 C. M. HITCHCOCK, *M. D. Assist. Surg.*  
*U. S. A.*  
 G. W. CURREY.  
 WM. H. UNDERWOOD.  
 CORNELIUS D. TERHUNE.  
 JOHN W. H. UNDERWOOD.

In compliance with instructions of the

council at New Echota we sign this treaty.

STAND WATIE,  
 JOHN RIDGE.

March 1, 1836.

Witnesses:

ELBERT HERRING.  
 ALEXANDER H. EVERETT.  
 JOHN ROBB.  
 D. KURTZ.  
 WM. Y. HANSELL.  
 SAMUEL J. POTTS.  
 JNO. LITTLE.  
 S. ROCKWELL.

The following article was adopted as a supplemental article to the treaty by a unanimous vote of the committee and ordered to be attached to and considered as part of this treaty.

ARTICLE 20. The United States do also hereby guaranty the payment of all unpaid just claims upon the Indians, without expense to them, out of the proper funds of the United States, for the settlement of which a cession or cessions of land has or have been heretofore made by the Indians, in Georgia. Provided the United States or the State of Georgia has derived benefit from the said cession or cessions of land without having made payment to the Indians therefor. It is hereby however further agreed and understood that if the Senate of the United States disapprove of this article it may be rejected without impairing any other provision of this treaty, or affecting the Indians in any manner whatever.

A. McCOY, *Clerk Committee.*  
 W. B. THOMAS, *Secy.*

In compliance with the unanimous request of the Committee of the Cherokee nation in general council assembled, it is consented and agreed by the commissioner on the part of the United States that the foregoing shall be added as a supplemental article to the treaty under the express condition and stipulation that if the President or Senate of the United States disapprove of this article it may be rejected without impairing any other provision of this treaty, or affecting the Indians in any manner whatever.

J. F. SCHERMERHORN.

Whereas the western Cherokees have appointed a delegation to visit the eastern

Cherokees to assure them of the friendly disposition of their people and their desire that the nation should again be united as one people and to urge upon them the expediency of accepting the overtures of the Government; and that, on their removal they may be assured of a hearty welcome and an equal participation with them in all the benefits and privileges of the Cherokee country west and the undersigned two of said delegation being the only delegates in the eastern nation from the west at the signing and sealing of the treaty lately concluded at New Echota between their eastern brethren and the United States; and having fully understood the provisions of the same they agree to it in behalf of the western Cherokees. But it is expressly understood that nothing in this treaty shall affect any claims of the western Cherokees on the United States.

In testimony whereof, we have, this 31st day of December, 1835, hereunto set our hands and seals.

JAMES ROGERS, [L. s.]

his

JOHN X SMITH, [L. s.]

mark.

*Delegates from the western Cherokees.*

Test:

BEN. F. CURREY,  
*Special Agent.*  
 M. W. BATEMAN,  
*First Lieut. 6th infantry.*  
 JNO. L. HOOPER,  
*Lieu 4th infy.*  
 ELIAS BOUDINOT.

*Schedule and estimated value of the Osage half-breed reservations within the territory ceded to the Cherokees west of the Mississippi, (referred to in article 5 of the foregoing treaty,) viz:*

Augustus Clarmont one section	\$6,000
James " " "	1,000
Paul " " "	1,300
Henry " " "	800
Anthony " " "	1,800
Rosalie " " "	1,800
Emilia D, of Mihanga	1,000
Emilia D, of Shemianga	1,300

\$15,000



I hereby certify that the above schedule is the estimated value of the Osage reservations; as made out and agreed upon with Colonel A. P. Chouteau who represented himself as the agent or guardian of the above reservees.

March 14, 1835.

J. F. SCHERMERHORN.

*Supplementary articles to a treaty concluded at New Echota, Georgia, December 29, 1835, between the United States and Cherokee people.*

Whereas the undersigned were authorized at the general meeting of the Cherokee people held at New Echota as above stated, to make and assent to such alterations in the preceding treaty as might be thought necessary, and whereas the President of the United States has expressed his determination not to allow any pre-emptions or reservations his desire being that the whole Cherokee people should remove together and establish themselves in the country provided for them west of the Mississippi river.

ARTICLE 1. It is therefore agreed that all the pre-emption rights and reservations provided for in articles 12 and 13 shall be and are hereby relinquished and declared void.

ARTICLE 2. Whereas the Cherokee people have supposed that the sum of five millions of dollars fixed by the Senate in their resolution of — day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi river was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question and whereas the President is willing that this subject should be referred to the Senate for their consideration and if it was not intended by the Senate that the above-mentioned sum of five millions of dollars should include the objects herein specified that in that case such further provision should be made therefore, as might appear to the Senate to be just.

ARTICLE 3. It is therefore agreed that the sum of six hundred thousand dollars shall be and the same is hereby allowed to the Cherokee people to include the expense of their removal, and all claims of every nature and description against the Government of the United States not herein otherwise expressly provided for, and to be in lieu of the said reservations and pre-emptions and of the sum of three hundred thousand dollars for spoiliations described in the 1st article of the above-mentioned treaty. This sum of six hundred thousand dollars shall be applied and distributed agreeably to the provisions of the said treaty, and any surplus which may remain after removal and payment of the claims so ascertained shall be turned over and belong to the education fund.

But it is expressly understood that the subject of this article is merely referred hereby to the consideration of the Senate and if they shall approve the same then this supplement shall remain part of the treaty.

ARTICLE 4. It is also understood that the provisions in article 16, for the agency reservation is not intended to interfere with the occupant right of any Cherokees should their improvement fall within the same.

It is also understood and agreed, that the one hundred thousand dollars appropriated in article 12 for the poorer class of Cherokees and intended as a set-off to the pre-emption rights shall now be transferred from the funds of the nation and added to the general national fund of four hundred thousand dollars so as to make said fund equal to five hundred thousand dollars.

ARTICLE 5. The necessary expenses attending the negotiation of the aforesaid treaty and supplement and also of such persons of the delegation as may sign the same shall be defrayed by the United States.

In testimony whereof John F. Schermerhorn, commissioner on the part of the United States, and the undersigned delegation have hereunto set their hands and seals, this first day of March, in the year one thousand eight hundred and thirty-six.

J. F. Schermerhorn,	[L. S.]
Major Ridge, his x mark,	[L. S.]
James Foster, his x mark,	[L. S.]
Tah-ye-ske, his x mark,	[L. S.]

Long Shell Turtle, his x mark	[L. S.]	John Ridge,	[L. S.]
John Fields, his x mark,	[L. S.]	James Rogers,	[L. S.]
James Fields, his x mark,	[L. S.]	John Smith, his x mark.	[L. S.]
George Welch, his x mark,	[L. S.]	Witnesses:	
Andrew Ross,	[L. S.]	ELBERT HERRING,	
William Rogers,	[L. S.]	THOS. GLASCOCK,	
John Gunter,	[L. S.]	ALEXANDER H. EVERETT,	
John A. Bell,	[L. S.]	JNO. GARLAND, <i>Majr U. S. A.</i>	
Jos. A. Foreman,		C. A. HARRIS,	
Robert Sanders,	[L. S.]	JOHN ROBE,	
Elias Boudinot,	[L. S.]	WM. Y. HANSELL,	
Johnson Rogers,	[L. S.]	SAML. J. POTTS,	
James Starr, his x mark.	[L. S.]	JNO. LITTLE,	
Stand Watie,	[L. S.]	S. ROCKWELL.	

NOW THEREFORE BE IT KNOWN, THAT I, ANDREW JACKSON, President of the United States of America, having seen and considered the said Treaty, and also the Supplementary Article thereunto annexed, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighteenth day of May, one thousand eight hundred and thirty-six, accept, ratify, and confirm the same, with the following amendments thereto, as expressed in the aforesaid resolution of the Senate. "Article 17, lines 2 and 3, strike out the words 'by General William Carroll and John F. Schermerhorn, or.' " "In the 4th line of the same article, after the word 'States,' insert 'by and with the advice and consent of the Senate of the United States.' " "Strike out the 20th article which appears as a supplemental article."

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.



DONE at the city of Washington, this twenty-third day of May, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixtieth.

ANDREW JACKSON.

By the President:

JOHN FORSYTH,

Secretary of State.